

WILLY

By Yost Kubiak

H. J. R. No. 16

A JOINT RESOLUTION

proposing a constitutional amendment providing for annual legislative sessions.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Sections 5, 24, 28, and 49a, of the Texas Constitution is amended to read as follows:

Sec. 5. (a) The Legislature shall meet every year [two years] at such time as may be provided by law and at other times when convened by the Governor. The regular meeting of the Legislature in an odd-numbered year shall be known as the Regular Session of the Legislature. The regular meeting of the Legislature in an even-numbered year shall be known as the Budget Session of the Legislature.

(b) The Regular Session is limited in duration to 100 days.
~~[When-convened-in-regular-Session,-the-first--thirty--days--thereof shall--be--devoted--to--the--introduction-of-bills-and-resolutions, acting-upon-emergency-appropriations,-passing-upon-the-confirmation of-the-recess-appointees-of-the-Governor-and-such-emergency-matters as-may-be-submitted-by-the-Governor--in--special--messages--to--the Legislature,-provided-that-during-the-succeeding-thirty-days-of-the regular--session--of-the-Legislature-the-various-committees-of-each House-shall-hold-hearings-to-consider-all-bills-and-resolutions-and other-matters-then-pending,-and-such-emergency-matters--as--may--be submitted--by--the--Governor,-provided--further--that--during--the following-sixty-days-the-Legislature-shall-act-upon-such-bills--and~~

1 resolutions--as-may-be-then-pending-and-upon-such-emergency-matters
2 as-may-be-submitted-by-the-Governor--in--special--messages--to--the
3 Legislature,---provided,---however,---either--House--may--otherwise
4 determine--its--order--of--business--by--an--affirmative--vote---of
5 four-fifths-of-its-membership.]

6 (c) When convened in Budget Session, a House of the
7 Legislature may not consider a bill or proposed constitutional
8 amendment unless it relates to appropriations or state revenue,
9 proposes a local or special law, or, if approved by a two-thirds
10 vote of the membership of each House, relates to an emergency
11 matter submitted by the Governor in a special message to the
12 Legislature. The Budget Session is limited in duration to 40 days.

13 Sec. 24. (a) Members of the Legislature shall receive from
14 the Public Treasury a salary of Six Hundred Dollars (\$600) per
15 month. Each member shall also receive a per diem of Thirty Dollars
16 (\$30) for each day during each [Regular-and-Special] Session of the
17 Legislature. [No-Regular-Session-shall-be-of-longer-duration-than
18 one-hundred-and-forty-(140)-days.]

19 (b) In addition to the per diem the Members of each House
20 shall be entitled to mileage at the same rate as prescribed by law
21 for employees of the State of Texas. [This-amendment-takes--effect
22 on-April-22, 1975.]

23 Sec. 28. The Legislature shall, at its first Regular Session
24 [regular--session] after the publication of each United States
25 decennial census, apportion the state into senatorial and
26 representative districts, agreeable to the provisions of Sections
27 25, 26, and 26-a of this Article. In the event the Legislature

1 shall at any such first Regular Session [~~regular-session~~] following
2 the publication of a United States decennial census, fail to make
3 such apportionment, same shall be done by the Legislative
4 Redistricting Board of Texas, which is hereby created, and shall be
5 composed of five (5) members, as follows: The Lieutenant Governor,
6 the Speaker of the House of Representatives, the Attorney General,
7 the Comptroller of Public Accounts and the Commissioner of the
8 General Land Office, a majority of whom shall constitute a quorum.
9 Said Board shall assemble in the City of Austin within ninety (90)
10 days after the final adjournment of such Regular Session [~~regular~~
11 ~~session~~]. The Board shall, within sixty (60) days after
12 assembling, apportion the state into senatorial and representative
13 districts, or into senatorial or representative districts, as the
14 failure of action of such Legislature may make necessary. Such
15 apportionment shall be in writing and signed by three (3) or more
16 of the members of the Board duly acknowledged as the act and deed
17 of such Board, and, when so executed and filed with the Secretary
18 of State, shall have force and effect of law. Such apportionment
19 shall become effective at the next succeeding state-wide general
20 election. The Supreme Court of Texas shall have jurisdiction to
21 compel such Commission to perform its duties in accordance with the
22 provisions of this section by writ of mandamus or other
23 extraordinary writs conformable to the usages of law. The
24 Legislature shall provide necessary funds for clerical and
25 technical aid and for other expenses incidental to the work of the
26 Board, and the Lieutenant Governor and the Speaker of the House of
27 Representatives shall be entitled to receive per diem and travel

1 expense during the Board's session in the same manner and amount as
2 they would receive while attending a special session of the
3 Legislature. [~~This--amendment--shall--become-effective-January-1,~~
4 ~~1951.~~]

5 Sec. 49a. (a) It shall be the duty of the Comptroller of
6 Public Accounts in advance of each Regular Session and Budget
7 Session of the Legislature to prepare and submit to the Governor
8 and to the Legislature upon its convening a statement under oath
9 showing fully the financial condition of the State Treasury at the
10 close of the last fiscal period and an estimate of the probable
11 receipts and disbursements for the then current fiscal year. There
12 shall also be contained in said statement an itemized estimate of
13 the anticipated revenue based on the laws then in effect that will
14 be received by and for the State from all sources showing the fund
15 accounts to be credited during each of the next two fiscal years
16 [~~the-succeeding-biennium~~] and said statement shall contain such
17 other information as may be required by law. Supplemental
18 statements shall be submitted at any Special Session of the
19 Legislature and at such other times as may be necessary to show
20 probable changes.

21 (b) Except [~~From-and-after-January-1,--1945,--save~~] in the
22 case of emergency and imperative public necessity and with a
23 four-fifths vote of the total membership of each House, no
24 appropriation in excess of the cash and anticipated revenue of the
25 funds from which such appropriation is to be made shall be valid.
26 No [~~From--and--after--January--1,--1945,--no~~] bill containing an
27 appropriation shall be considered as passed or be sent to the

1 Governor for consideration until and unless the Comptroller of
2 Public Accounts endorses his certificate thereon showing that the
3 amount appropriated is within the amount estimated to be available
4 in the affected funds. When the Comptroller finds an appropriation
5 bill exceeds the estimated revenue he shall endorse such finding
6 thereon and return to the House in which same originated. Such
7 information shall be immediately made known to both the House of
8 Representatives and the Senate and the necessary steps shall be
9 taken to bring such appropriation to within the revenue, either by
10 providing additional revenue or reducing the appropriation.

11 ~~[For--the-purpose-of-financing-the-outstanding-obligations-of~~
12 ~~the-General-Revenue-Fund-of--the--State--and--placing--its--current~~
13 ~~accounts--on--a-cash-basis-the-Legislature-of-the-State-of-Texas-is~~
14 ~~hereby-authorized-to-provide-for-the-issuance,-sale,-and-retirement~~
15 ~~of-serial-bonds,-equal--in--principal--to--the--total--outstanding,~~
16 ~~valid,-and-approved-obligations-owing-by-said-fund-on-September-1,~~
17 ~~1943,-provided-such-bonds-shall-not-draw-interest-in-excess-of--two~~
18 ~~{2}-per--cent--per-annum-and-shall-mature-within-twenty-{20}-years~~
19 ~~from-date.]~~

20 SECTION 2. Article IV, Sections 3 and 9, of the Texas
21 Constitution is amended to read as follows:

22 Sec. 3. The returns of every election for said executive
23 officers, until otherwise provided by law, shall be made out,
24 sealed up, and transmitted by the returning officers prescribed by
25 law, to the seat of Government, directed to the Secretary of State,
26 who shall deliver the same to the Speaker of the House of
27 Representatives, as soon as the Speaker shall be chosen, and the

1 said Speaker shall, during the first week of the Regular Session
2 [~~session~~] of the Legislature, open and publish them in the presence
3 of both Houses of the Legislature. The person, voted for at said
4 election, having the highest number of votes for each of said
5 offices respectively, and being constitutionally eligible, shall be
6 declared by the Speaker, under sanction of the Legislature, to be
7 elected to said office. But, if two or more persons shall have the
8 highest and an equal number of votes for either of said offices,
9 one of them shall be immediately chosen to such office by joint
10 vote of both Houses of the Legislature. Contested elections for
11 either of said offices, shall be determined by both Houses of the
12 Legislature in joint session.

13 Sec. 9. The Governor shall, at the commencement of each
14 session of the Legislature, and at the close of his term of office,
15 give to the Legislature information, by message, of the condition
16 of the State; and he shall recommend to the Legislature such
17 measures as he may deem expedient. He shall account to the
18 Legislature for all public moneys received and paid out by him,
19 from any funds subject to his order, with vouchers; and shall
20 accompany his message with a statement of the same. And at the
21 commencement of each Regular Session and Budget Session [~~regular~~
22 ~~session~~], he shall present estimates of the amount of money
23 required to be raised by taxation for all purposes.

24 SECTION 3. Article V, Section 7a, Subsection (d), of the
25 Texas Constitution is amended to read as follows:

26 (d) The reapportionment powers of the board shall be
27 exercised in the interims between Regular Sessions [~~regular~~

1 ~~sessi~~ons] of the legislature, except that a reapportionment may not
2 be ordered by the board during an interim immediately following a
3 Regular Session [~~regular--session~~] of the legislature in which a
4 valid and subsisting statewide apportionment of judicial districts
5 is enacted by the legislature. The board has other powers and
6 duties as provided by the legislature and shall exercise its powers
7 under the policies, rules, standards, and conditions, not
8 inconsistent with this section, that the legislature provides.

9 SECTION 4. Article VII, Section 17, Subsection (a), of the
10 Texas Constitution is amended to read as follows:

11 (a) In the fiscal year beginning September 1, 1985, and each
12 fiscal year thereafter, there is hereby appropriated out of the
13 first money coming into the state treasury not otherwise
14 appropriated by the constitution \$100 million to be used by
15 eligible agencies and institutions of higher education for the
16 purpose of acquiring land either with or without permanent
17 improvements, constructing and equipping buildings or other
18 permanent improvements, major repair or rehabilitation of buildings
19 or other permanent improvements, and acquisition of capital
20 equipment, library books and library materials. During the Regular
21 Session or Budget Session [~~regular-session~~] of the legislature that
22 is nearest, but preceding, the beginning of each fifth fiscal year
23 dating from September 1, 1985, the legislature may by two-thirds
24 vote of the membership of each house adjust the amount of the
25 constitutional appropriation for the ensuing five years but may not
26 adjust the appropriation in such a way as to impair any obligation
27 created by the issuance of bonds or notes in accordance with this

1 section.

2 SECTION 5. Article VIII, Section 22, Subsection (a), of the
3 Texas Constitution is amended to read as follows:

4 (a) In no fiscal year [~~biennium~~] shall the rate of growth of
5 appropriations from state tax revenues not dedicated by this
6 constitution exceed the estimated rate of growth of the state's
7 economy. The legislature shall provide by general law procedures
8 to implement this subsection.

9 SECTION 6. Article XVII, Section 1, of the Texas
10 Constitution is amended to read as follows:

11 Sec. 1. (a) The Legislature, at any Regular Session
12 [~~regular-session~~], or at any Budget Session or special session when
13 the matter is included within the purposes for which the session is
14 convened, may propose amendments revising the Constitution, to be
15 voted upon by the qualified electors for statewide offices and
16 propositions, as defined in the Constitution and statutes of this
17 State. The date of the elections shall be specified by the
18 Legislature. The proposal for submission must be approved by a
19 vote of two-thirds of all the members elected to each House,
20 entered by yeas and nays on the journals.

21 (b) A brief explanatory statement of the nature of a
22 proposed amendment, together with the date of the election and the
23 wording of the proposition as it is to appear on the ballot, shall
24 be published twice in each newspaper in the State which meets
25 requirements set by the Legislature for the publication of official
26 notices of officers and departments of the state government. The
27 explanatory statement shall be prepared by the Secretary of State

1 and shall be approved by the Attorney General. The Secretary of
2 State shall send a full and complete copy of the proposed amendment
3 or amendments to each county clerk who shall post the same in a
4 public place in the courthouse at least 30 days prior to the
5 election on said amendment. The first notice shall be published
6 not more than 60 days nor less than 50 days before the date of the
7 election, and the second notice shall be published on the same day
8 in the succeeding week. The Legislature shall fix the standards
9 for the rate of charge for the publication, which may not be higher
10 than the newspaper's published national rate for advertising per
11 column inch.

12 (c) The election shall be held in accordance with procedures
13 prescribed by the Legislature, and the returning officer in each
14 county shall make returns to the Secretary of State of the number
15 of legal votes cast at the election for and against each amendment.
16 If it appears from the returns that a majority of the votes cast
17 have been cast in favor of an amendment, it shall become a part of
18 this Constitution, and proclamation thereof shall be made by the
19 Governor.

20 SECTION 7. This proposed constitutional amendment shall be
21 submitted to the voters at an election to be held on November 7,
22 1989. The ballot shall be printed to provide for voting for or
23 against the proposition: "The constitutional amendment providing
24 for annual sessions of the legislature for budgetary purposes."

J. R. No. 16

HOUSE JOINT RESOLUTION

By Yost Kuliak

proposing a constitutional amendment providing for annual legislative sessions.

NOV 23 1988 1. Filed with the Chief Clerk.

JAN 24 1989 2. Read first time and referred to Committee on

State Affairs

3. Reported favorably (as amended) and sent to Printer at
(as substituted)

4. Printed and distributed at

5. Sent to Committee on Calendars at

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote
of _____ yeas, _____ nays, _____ present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered
engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____
yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote
of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally
adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____
yeas, _____ nays, and _____ present, not voting).

11. Ordered Engrossed at

12. Engrossed.

13. Returned to Chief Clerk at

14. Sent to the Senate.

Chief Clerk of the House

15. Received from the House

16. Read, referred to Committee on

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute
read first time.

19. Ordered not printed.

20. Regular order of business suspended by

(a viva voce vote.)

(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

22. Read second time

passed to third reading by:
(a viva voce vote.)

(_____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

_____ 24. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 25. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 26. Returned to the House.

_____ 27. Received from the Senate (with amendments.)
(as substituted.)

_____ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 29. Conference Committee Ordered.

_____ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 31. Ordered Enrolled at _____